

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANAHEIM UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2013110390

AMENDED ORDER GRANTING  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION, PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING<sup>1</sup>

On December 9, 2013, the parties filed a joint request to continue the dates in this matter. There have been no prior continuances in this matter. As set forth below, the date of mediation assigned is different from that requested by the parties because the Office of Administrative Hearings (OAH) cannot accommodate the parties' request for January 15, 2014.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

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<sup>1</sup> On December 10, 2013, the undersigned issued an order granting the parties' request for due process hearing and assigned January 21, 2014, as mediation instead of the parties' requested date of January 15, 2014. Subsequently, the parties requested mediation on January 22, 2014. This order amends the prior order and sets mediation on January 22, 2014. No other amendments have been made.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation:	January 22, 2014, at 9:30 AM
Prehearing Conference:	January 27, 2014, at 10:00 AM
Due Process Hearing:	February 5 – 6, 2014, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 10, 2013

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings